



3722
JFW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: CADIENTE et al.

Attorney Docket No.: SMBRP001

Application No.: 10/017,893

Examiner: MOY, Joseph Man

Filed: December 12, 2001

Group: 3727

Title: METHOD AND APPARATUS FOR
PACKING AND BI-DIRECTIONAL COOLING
OF PRODUCE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on August 31, 2004 in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signed: _____

Sue Funchess
Sue Funchess

AMENDMENT AND RESPONSE TO
2nd RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants hereby respond to the Office Action dated July 28, 2004 and also respond to the Restriction Requirement issued on August 2, 2004. In response to Restriction Requirement dated August 2, 2004, Applicants hereby **elect (without traverse)** to prosecute the inventive species embodied as **Group II, Claims 38-43, 45-48, 50, 52-59, 61-62, and 64-82** as indicated and delineated by the Examiner in the Restriction Requirement.

Claims 18, 19, 33, 34, 44, 49, 51, 60 and 63 were previously withdrawn without prejudice. Applicants reserve the right to reinstate these claims upon allowance of any relevant generic claims.

Additionally, Applicants respectfully request that the Examiner enter amendments to the Claims listed below. It is respectfully requested that the above-referenced patent application be considered in light of these additions and amendments.

09/03/2004 KBETEMAI 00000033 10017893

02 FC:2202
03 FC:2201

9.00 OP
43.00 OP

Atty. Dkt. No. SMBRP001

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43:00 BP

09 FC:2202

Amendments to the Claims are reflected in the listing of the claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 18 of this paper.



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AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims After Amendment		Highest Previously Paid For	Present Extra	Small Entity Rate Fee	Large Entity Rate Fee
Total Claims	83	MINUS	82	1	x 9 = \$9.00	x 18 = \$
Independent Claims	13	MINUS	12	1	x 43 = \$43.00	x 86 = \$
Multiple Dependent Claim Present and Fee Not Previously Paid					\$140.00	\$280.00
Total					\$52.00	\$

- ☒ Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-0388 (Order No. SMBRP001).
- ☒ Enclosed is our Check No. 23539 in the amount of \$107.00 to cover the additional claim fee and/or extension of time fees, and the terminal disclaimer fee.
- ☒ Please charge any additional fees required to facilitate filing the enclosed amendment, to Deposit Account No. 50-0388 (Order No. SMBRP001).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

Francis T. Kalinski II

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